

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANKIE WEISNER,

Petitioner,

v.

KATHLEEN ALLISON,

Respondent.

No. 2:23-cv-00662-DAD-AC (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
RESPONDENT'S MOTION TO DISMISS

(Doc. Nos. 14, 29)

Petitioner Frankie Weisner is a state prisoner proceeding *pro se* and *in forma pauperis* with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 19, 2024, the assigned magistrate judge issued findings and recommendations recommending that respondent's motion to dismiss the petition (Doc. No. 14) be denied. (Doc. No. 29 at 9.) Those findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at 10.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to do so has now passed.

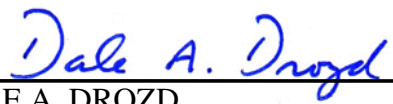
In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on August 19, 2024 (Doc. No. 29) are adopted in full;
2. Respondent's motion to dismiss the petition (Doc. No. 14) is denied; and
3. This action is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: September 16, 2024



DALE A. DROZD
UNITED STATES DISTRICT JUDGE